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David B. Johnson

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David B. Johnson
576 N. St. Asaph St.
Alexandria, VA 22314

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EXAMINER

LOWE, MICHAEL S

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/626,529
Filing Date: July 25, 2003
Appellant(s): JOHNSON ET AL.

David B. Johnson
For Appellant

EXAMINER'S ANSWER

The previously mailed Examiner's Answer mailed 11/29/06 is VACATED and is replaced by this Examiner's Answer. This Examiner's Answer merely corrects minor informalities by adding previously missing section (1) and is fully responsive. This is in response to the appeal briefs filed 7/5/06 and 11/1/06 appealing from the Office action mailed 7/22/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief. This is in response to the appeal brief filed 7/5/06 and supplemental response filed 11/1/06 appealing from the Office action mailed 7/22/06.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is technically correct. The amendment after final rejection filed on 3/23/06 has not been entered. The reason however that the after final amendment was not entered was that it was not limited to canceling claims or re-writing dependent claims into independent form.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,726,263	Lake	2-1988
6,419,371	McCalla et al	7-2002
6,390,427	McConnell	5-2002
5,823,592	Kalidindi	10-1998
5,685,586	Miller	11-1997
5,116,093	Burns	5-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10,11,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (US 4,726,263) in view of McCalla (US 6,419,371).

Re claim 1, Lake teaches an extender-arm 9 comprising:
a handle section 10, said handle section comprising an actuator 13,18, a proximal end, and a distal end and an open-and-close section (12 or 15),connected to said distal end of said handle section so as to be operable by said actuator.

Lake does not teach a tool-receiving socket including a connection structure for connection with a tool inserted in said socket. McCalla teaches a device with tools on both ends, the handle side having a socket connection to a tool in order to make the device more useful. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lake by the general teaching of McCalla to have tools on both ends, the handle side having a socket connection to a tool in order to make the device more useful.

Re claim 2, Lake teaches an extension section 10b disposed between said open-and-close section and said distal end of said handle to thereby connect said open-and-close section to said handle section.

Re claims 3, 14, Lake as well as Lake as already modified teaches a gripping section 12, 21.

Re claim 4, Lake teaches said connection structure comprises one that is both electrically and mechanically connective.

Re claim 5, Lake as already modified teaches a rechargeable power supply (McCalla column 5, lines 48-58, rechargeable power supplies connected to the connection structure are known).

Re claim 10, Lake teaches (column 3, lines 10-11) the device attaching to a mounting post (not numbered). Lake does not state the shape of the post but since the device 19 will mount to any shape cross-section it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lake to

Art Unit: 3652

have the mount be the same cross-sectional shape as the socket in order to use a known shape.

Re claim 11, Lake as already modified teaches a removable flashlight tool having a cross sectional shape complementary to that of said socket for removably mounting said flashlight tool to said extender arm.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (US 4,726,263) in view of McCalla (US 6,419,371) and further in view of McConnell (US 6,390,427).

Re claim 6, Lake does not teach an ancillary device. McConnell teaches an ancillary device 10, 18 that may be disposed on any elongated structure in order to increase safety (column 1, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lake by McConnell to have an ancillary device that may be disposed on any elongated structure in order to increase safety.

Re claims 7,8, Lake as already modified teaches a cellular phone holding clip and coin holding structure (McConnell, column 3, lines 58-60).

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (US 4,726,263) in view of McCalla (US 6,419,371) and further in view of Kalidindi (US 5,823,592).

Art Unit: 3652

Re claim 9, Lake does not teach a said extension section being flexible so as to allow said gripping section to be disposed at an angle relative to said handle section. Kalidindi teaches a flexible extension section 18 in order to make it easier to reach places. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lake by the general teaching of Kalidindi to have a flexible extension section in order to make it easier to reach places.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (US 4,726,263) in view of McCalla (US 6,419,371) and further in view of Miller (US 5,685,586).

Re claim 12, Lake teaches removable tools but does not teach an ice scraper. Miller teaches devices that like that of Lake is intended to be used in an automobile. Miller teaches having an ice scraper on the opposite end of the device from the grab in order to increase usefulness in cold climates (column 2, lines 34-35).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (US 4,726,263) in view of McCalla (US 6,419,371) and further in view of Burns (US 5,116,093).

Re claims 13, Lake does not teach a resealable pouch for holding tools mountable within said socket. Burns teaches a resealable pouch 11 for carrying all the components of an extender arm in order to make it easier to transport. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 3652

have modified Lake by the general teaching of Burns to have a resealable pouch for carrying all the components of an extender arm in order to make it easier to transport.

(10) Response to Argument

Re "Ground 1" (Claim 1)

Appellant argued that Lake does not have an open-and-close section. The exact term "open-and-close" never appears outside of the claims and in the broad sense all it means is something that opens and closes in some fashion. The expanding and retracting section 15 of Lake operable by actuator 13 meets the limitation. Further, items 12 and 15 could be used to open-and-close in various other ways such as by pressing the items against a button or door.

Appellant argued that McCalla does not teach an open-and-close section. This reference is not needed to teach an open-and-close section as Lake already has the limitation, but rather McCalla is a general modifying teaching of a socket that provides Lake the ability to have two tools and certainly one of the possible second tools could be another open-and-close tool.

Re "Ground 1" (Claim 3)

Appellant argued that Lake does not teach that the open-and-close section is a gripping section. There is nothing in the claims to define that the gripping section is anything more than an area that is held onto by the user or even another object. Items 12 and 15 of Lake are capable and intended to be held by a user. Further, as modified by McCalla, gripping section 12 (or 15) has a socket that grips a tool.

Art Unit: 3652

Re "Ground 1" (Claim 5)

Appellant argued that McCalla does not teach a rechargeable power supply. However, McCalla in column 5, line 49 states that any energy source known in the art that can be used to energize a light source. Rechargeable batteries (and McCalla does cite batteries as a possible power source) are an energy source well known in the art that can be used to energize a power source. Thus McCalla does teach a rechargeable power supply.

Re "Ground 1" (Claim 14)

Appellant argued that there is nothing in Lake that would render it capable of grasping and holding an object. This is not case as the items held by Lake's 12 and 15 must be grasped and held or else they would fall off. Lake's gripping section clearly grasps and hold on the attached tools/objects by itself as well as when modified by McCalla.

Re "Ground 2", "Ground 3", "Ground 4", and "Ground 5"

Appellant made a general allegation that based on the arguments of "Ground 1" that Lake and McCalla are deficient. However, this general allegation is already rebutted above.

(11) Related Proceeding(s) Appendix

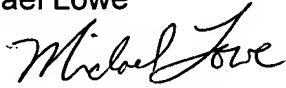
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 3652

Michael Lowe



Conferees:

Patrick Mackey



Dean Kramer



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600